

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
PAPPAMMAL KURIAN)	File No. 0005299741
)	
SPECTRUM WIRELESS LLC)	
)	
R F DATA INC)	File No. 0005299519
)	
PCS LLC)	

ORDER AND ORDER ON RECONSIDERATION

Adopted: October 21, 2014

Released: October 22, 2014

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order and Order on Reconsideration*, we address two petitions filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC (collectively, Havens Entities). One petition, which we shall treat as an informal request for Commission action, seeks to prevent Pappammal Kurian and three entities – Spectrum Wireless LLC, R F Data Inc. (RF Data), and PCS LLC – controlled by her (collectively, Kurian Entities) from transferring control, assigning, or modifying any licenses.¹ The other petition seeks reconsideration of our consent to an application filed by Kurian to assign the license for Industrial/Business Pool Station WPRM637 to Balhir Bhogal, and to deny an application filed by RF Data to assign the license for Industrial/Business Pool Station WPTX917 to Bhogal.² For the reasons stated below, we dismiss the informal request and the petition to deny, and deny the petition for reconsideration.

2. *Background.* In 2011, a Havens Entity obtained a monetary judgment against Kurian in Nevada state court.³ On July 9, 2012, Kurian filed an application to assign the license for Station WPRM637 to Bhogal,⁴ and RF Data filed an application to assign the license for Station WPTX917 to Bhogal.⁵ The Commission consented to the former application. On August 17, 2012, the Havens Entities filed a petition for reconsideration of the consent to the former application, and to deny the latter application, because the Havens Entities planned to proceed with the necessary legal actions to obtain

¹ Petition to Respect and Take Actions Under Court Restraining Order (filed Oct. 18, 2012) (Havens Informal Request); Supplement to Petition to Respect and Take Actions Under Court Restraining Order (filed Nov. 29, 2012); Further Supplement to Petition to Respect and Take Actions Under Court Restraining Order (filed Dec. 17, 2012) (Havens Informal Request Further Supplement).

² Petition for Reconsideration, and Petition to Deny, and in the alternative, Request Under Section 1.41 (filed Aug. 17, 2012) (Havens PFR and PTD). Kurian filed an opposition on September 8, 2012.

³ See Judgment Against Pappammal Kurian, Case No. A-509538 (Dist. Ct., Clark County, Nev. Oct. 27, 2011) (attached to Havens Informal Request Further Supplement).

⁴ See FCC File No. 0005299741.

⁵ See FCC File No. 0005299519.

satisfaction of the state court judgment by forcing a sale of the Kurian Entities' licenses.

3. On October 16, 2012, the Nevada state court granted a temporary restraining order prohibiting the Kurian Entities from transferring or otherwise disposing of any assets, including FCC licenses.⁶ On October 18, 2012, the Haven Entities filed their informal request arguing that the Commission should not process any applications filed by the Kurian Entities in light of this order. On December 6, 2012, the state court granted a preliminary injunction prohibiting the Kurian Entities from transferring or otherwise disposing of any assets, including the FCC licenses listed in an attachment to the preliminary injunction.⁷

4. On January 30, 2014, the Nevada state court appointed a receiver to seek Commission approval to take control of the licenses listed in the attachment to the preliminary injunction (and any property associated with those licenses, such as transmitter equipment and site leases), and sell them and distribute the net proceeds to the plaintiff to satisfy the judgment.⁸ On July 10, 2014, the receiver, having obtained a power of attorney to act on behalf of the Kurian Entities, filed applications to assign to himself sixty-nine land mobile and microwave licenses held by the Kurian Entities, including Station WPTX917.⁹ The Commission consented to the applications.¹⁰ On July 29, 2014, the receiver withdrew the application to assign the license for Station WPTX917 to Bhogal.

5. *Discussion.* First, we deny the petition for reconsideration of our consent to the application to assign the license for Station WPRM637. The temporary restraining order, preliminary injunction, and receivership appointment order were issued well after this assignment was consented to and consummated. Thus, while the Commission generally accommodates court decrees that are final unless it is in the public interest to do otherwise,¹¹ the record in this matter sets forth no court order that then barred Kurian from assigning the license.¹² That one of the Havens Entities had obtained a monetary judgment against her does not constitute grounds for reconsideration of the consent to assign a license of which the receivership appointment order does not clearly authorize the receiver to take control.¹³

⁶ See Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Case No. A-12-669776-C (Dist. Ct., Clark County, Nev. Oct. 16, 2012) (attached to Havens Informal Request).

⁷ See Order Granting Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Case No. A-12-669776-C (Dist. Ct., Clark County, Nev. Dec. 6, 2012) (attached to Havens Informal Request Further Supplement).

⁸ See Order Granting Plaintiff's Motion to Appoint William Holland as Receiver, Case No. A-12-669776-C, at 2 (Dist. Ct., Clark County, Nev. Jan. 30, 2014) (viewable in the Universal Licensing System under Call Sign WNXG425; see Letter dated Feb. 11, 2014 from Warren Havens to Stana Kimball, Attorney-Advisor, Mobility Division, Wireless Telecommunications Bureau).

⁹ See FCC File Nos. 0006361933, 0006361947, 0006361960, 0006361965.

¹⁰ See Pappammal Kurian, *Letter*, DA 14-1266 (WTB MD rel. Sept. 2, 2014) (denying Kurian's petition to deny the assignment applications).

¹¹ See, e.g., Inforum Communications Inc., *Memorandum Opinion and Order*, 20 FCC Rcd 820, 827 ¶ 12 (2005) (noting that it is the Commission's policy "to accommodate court decrees adjudicating disputes over contract and property rights, unless a public interest determination compels a different result").

¹² See Pappammal Kurian, *Order and Order on Reconsideration*, 29 FCC Rcd 4994, 4996 ¶ 6 (WTB MD 2014), *recon. pending*; see also Pappammal Kurian, *Order and Order on Reconsideration*, 29 FCC Rcd 5384, 5385-86 ¶ 6 (WTB MD 2014), *recon. pending*.

¹³ Cf. Lewis J. Paper, Esq., *Letter*, 28 FCC Rcd 4550, 4552 (reversing grant of involuntary assignment to receiver where the receivership appointment order authorized the receiver to take control of the principal's interest in the licensee but did not specifically address the licensee's interest in the license), *recon. denied*, Lewis J. Paper, Esq., *Letter*, 28 FCC Rcd 16553 (MB AD 2013).

6. Given that the application to assign the license for Station WPTX917 to Bhogal has been withdrawn and the license has been assigned to the receiver, we dismiss the petition to deny the earlier assignment application as moot. Similarly, we dismiss the informal request because the actions undertaken by the receiver are intended to provide adequate relief to Kurian's creditors, in line with the relief sought and anticipated by the Havens Entities.

7. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155, 303(r), and Section 1.41 of the Commission's Rules, 47 C.F.R. §§ 1.41, the Petition to Respect and Take Actions Under Court Restraining Order filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC on October 18, 2012, IS DISMISSED.

8. IT IS FURTHER ORDERED, pursuant to Sections 4(i), 303(r), 309(d), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), 405, and Sections 1.106 and 1.939 of the Commission's Rules, 47 C.F.R. §§ 1.106, 1.939, that the Petition for Reconsideration, and Petition to Deny, and in the Alternative, Requests under Section 1.41 filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC on August 17, 2014, IS DENIED IN PART and DISMISSED IN PART AS MOOT as set forth above.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau